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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/807,805 | 03/24/2004 | Jin K. Song | PUBINT 3.0-015 CONT II | 4383 |
| 530 | 7590 | 02/24/2006 | EXAMINER | |
| LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090 | | | WALSH, DANIEL I | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2876 | |

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

412

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|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/807,805 | Applicant(s) SONG, JIN K. | |
| | Examiner Daniel I. Walsh | Art Unit 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12-05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the RCE received on 12 December 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-11 and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (US 6,064,855) in view of DeSmet (US 4,884,974).

Re claim 1, Ho teaches a system for illustrating sound and text comprising a book having pages including indicia, at least some of the pages including a magnetic signatures (FIG. 6), a book holder adapted to accept the book, the book holding having magnetic switches (FIG. 6), a speaker (40), and power supply (50) (FIG. 2). Though Ho is silent to

a reading controller, the Examiner notes that it would have been obvious to include such a controller in order to process that functions relating to the reception of data, page detection, etc. A controller/microprocessor for controlling electrical functions is well known and conventional in the art, and therefore is an obvious expedient. Ho teaches the magnetic switches are operative to detect the absence of the magnetic signatures on the pages as they are turned by a user viewing the book (FIG. 2). Though silent to the reading controller interacting to determine a given page and to retrieve audio representations stored and playing the sound to the user for the corresponding page, the Examiner notes that a microprocessor/controller for controlling an electronic device (including the limitations aforementioned) is well known and conventional in the art. It would have been obvious to one of ordinary skill in the art to have a microprocessor/controller control such aspects of the electronic book system, as is conventional in the art.

Ho teaches a memory 141' that includes the stored audio representations of the indicia of the pages, and therefore is silent o a cartridge being inserted into the book holder.

DeSmet teaches a book holder that accepts a ROM cartridge on the back page that includes the audio content (abstract).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Ho with those of DeSmet.

One would have been motivated to do this in order to have a more secure connection between the reader and the memory (actual engaging/connection of parts). Additionally, the Examiner notes that the selection of a chip that is in contact with a

reader or a cartridge in contact with a reader appears to be a matter of design variation, as both are means to connect the book holder with audio content that is stored.

Accordingly, the Examiner notes that such a selection can be an issue of design variation, therefore well within the skill in the art, for reasons such as aesthetics, availability/cost of parts, system constraints, etc.

Re claim 2, Ho teaches that the magnetic signatures are attached to at least some pages in specified locations in order to be detected by the magnetic switches (FIG. 6).

Re claim 3, Ho teaches the switches are prealigned in the book holder to correspond with magnetic signatures at the specified location (FIG. 4 and 6).

Re claim 4, Ho teaches a flat platform reading portion (FIG. 7).

Re claim 5, the Examiner notes that it would have been obvious for the power supply to power the speaker and control activation and deactivation of the book holder, as is conventional in the art, to provide audio content. As noted above, though silent to a reading controller, it is obvious that a reading controller/microprocessor would control operation of the bookholder, including communication/connection with components such as the power source.

Re claim 6, the limitations have been discussed above. The Examiner has interpreted the phrase “creating contact” to include the magnetic signatures communicating directly with the sensors/switches.

Re claim 7, the limitations have been discussed above. The Examiner notes that the book is placed in the holder to read/play the audible content associated with the book.

Re claim 8, the Examiner notes that the pages of the book are turned in order to view illustrations/text. Such operations are well known and conventional in the art for reading a book.

Re claim 9, the Examiner notes that it has been discussed above that the pages and corresponding text/pictures are identified so that the necessary audio content is played for the user.

Re claim 10, the Examiner notes that it is obvious that the content is retrieved before so that it can be played to the user.

Re claim 11, as discussed above, the speaker outputs the audio representations reproduced to correspond to the pages being viewed.

Re claims 25-30, the Examiner notes that such limitations have been discussed above. The Examiner notes that depending on the position of the pages, a direct connection may or may not be made (depending on how the pages are open). When the sensors do not detect pages (detect that the book is not opened to a page) no audible sound is played. Re claim 30, though silent to reed switches, the Examiner notes that reed switches are a well known and conventional means to detect a magnetic signature/field. Replacing magnetic sensors of one well known type with a second known type (reed switches) is a matter of design variation well within the skill in the art, as both are functionally equivalent for detecting magnetism. The selection of a type of switch could be for aesthetic reasons, cost, size, etc., which are within the skill in the art.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho/DeSmet, as discussed above, further in view of Gresser, Jr. et al. (US 6,167,233).

The teachings of Ho/DeSmet have been discussed above.

Ho/DeSmet are silent to downloading a duplicate of electronic equivalent representations stored in a first electronic memory to a second electronic memory housed within the book holder.

The Examiner notes that downloading personalized/customized content to a cartridge/memory of a talking book is well known and conventional in the art for producing custom content. Specifically, Gresser, Jr. et al. teaches such limitations (FIG. 7+) that allow an external unit to transfer messages into the memory to be saved onto the book recorder or to be sent from the book recorder to a computer. It would have been obvious to one of ordinary skill in the art to use such teachings in order to have customizable content for the associated book being read/used.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Ho/DeSmet with those of Gresser, JR. et al.

One would have been motivated to do this for customizable content.

4. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho/DeSmet, as discussed above, in view of Smith, III (US 5,466,158).

The limitations have Ho/DeSmet have been discussed above.

Ho/DeSmet are silent to a book support surface adjoined to one side of the reading surface to support the pages.

Smith, III teaches such limitations (30 in FIG. 2), where both the reading and support surface are flat.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Ho/DeSmet with those of Smith, III.

One would have been motivated to do this to provide a supporting structure for convenience of the user when reading a book.

5. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho/DeSmet/Smith, III as discussed above, further in view of Brefka et al. (US 4,636,881)

The teachings of Ho/DeSmet/Smith, III have been discussed above.

Ho/DeSmet/Smith, III are silent to a folding means to allow the support and reading surfaces to fold for easy carrying. Smith, III teaches the surface slides in and out, and does not fold, though Smith, III also is compact for transportation/storing.

Brefka et al. teaches a cover that is interpreted as a folding means to allow the support and reading surfaces to fold for easy carrying (FIG. 1).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Ho/DeSmet/Smith, III with those of Brefka.

One would have been motivated to do this to provide a support system for the book while also allowing it to be folded for compact storage/transportation. Such a change between a surface that folds versus one that slides (Smith, III) also appears to be a matter of design variation, as a functional equivalent means to put a surface for support, which is flipped, rather than slid, to provide a different means to expose the surface, for design constraints, aesthetics, etc.

Re claim 17, though the prior art is silent to the use of volume control, the Examiner notes that volume control is well known and conventional in the art, and an obvious expedient for producing a pleasant volume level for the user.

Re claim 18, Ho teaches the use of flashing lights 130 which determine a state of the book. Though silent to an LED the Examiner notes that the use of an LED is an obvious expedient well within the skill in the art, for obtaining optical properties such as directional lighting, reduced heat, long lasting lighting, etc. and the selection of LEDs is within the skill in the art.

Additional Remarks

6. The Examiner notes (US 5,567,163) teaches a talking book with volume control and an example of reed switch can be seen (US 5,893,132), where reed switches are a very simple/conventional means for detection.

Conclusion

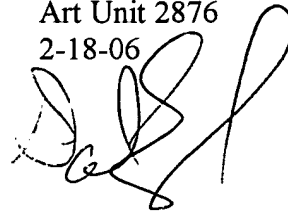
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Li (US 5,631,883), Haas et al. (US 5,707,240), Huffman et al. (US 5,893,132), Jeng (US 4,809,246), Baer et al. (US 5,531,600), Jessop (US 5,645,432), and Li (US 6,513,836).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel I Walsh
Examiner
Art Unit 2876
2-18-06

A handwritten signature in black ink, appearing to be 'D. Walsh', written over the printed name and date.